

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:99CV268

**STEVE E. ASHE, and wife DEBORAH)
ANN SCOTT ASHE, *et al*,)
)**

**This document pertains to:)
STEVE E. ASHE, and wife DEBORAH)
ANN SCOTT ASHE; FRANK H.)
BARTON; HOMER R. BLYTHE, and)
wife ANN ENGLISH BLYTHE;)
BEN BOLT, and wife FLORA MAE)
McCALL BOLT; SHIRLEY EUGENE)
BRACKEN, and wife ANNIE JO)
SHERRIL BRACKEN; FRED C.)
BRYSON, and wife MARY B.)
BRYSON; ALLEN E. CHAPMAN, and)
wife SANDRA FISHER CHAPMAN;)
JOHN C. CHAPMAN, and wife IVA)
LEE ANDERS CHAPMAN; DAVID H.)
CORN, and wife PHYLLIS BOWEN)
CORN; ROBERT H. CROWE, and wife)
MARIAN CROWE; RHONDA)
DEBRUHL, Administrator of the)
Estate of Fred Davis, Deceased;)
DANNY L. DUCKWORTH; JOHN D.)
EZELL, and wife AILEEN RODGERS)
EZELL; WILLIAM M. GADDY, SR.,)
and wife MYRTLE N. GADDY;)
CLYDE C. GALLOWAY, and wife)
BELLE T. GALLOWAY; CLAUDE S.)
GOODSON, and wife DARLENE)
GOODSON; ROBERT P. GRANT, and)
wife DORIS PATTERSON GRANT;)
LARRY W. GREGORY; WILLIAM H.)**

HALL, JR., and wife WANDA D.)
 HALL; WILLIE E. HARRON; THOMAS)
 B. HEATON, and wife ELLA MAE P.)
 HEATON; RICHARD L. HISSA, and)
 wife PRISCILLA B. HISSA; MARILYN S.)
 JARRETT, Individually and as)
 Executrix of the Estate of Douglas L.)
 Jarrett, Deceased; MAGGIE C.)
 KRIDER, Individually and as Personal)
 Representative of the Estate of)
 Thomas Krider, Deceased; JAMES T.)
 MAHONEY, JR., and wife BRENDA)
 FAYE J. MAHONEY; ERNEST R.)
 MANEY, and wife BARBARA GREEN)
 MANEY; ARTHUR A. McCALL, and)
 wife EDITH ENGLISH McCALL;)
 BENJAMIN F. McCALL, and wife)
 DONNIE VEE McCALL; FRANKLIN L.)
 McCALL, and wife BETTY LAMBERT)
 McCALL; JAMES D. McCALL;)
 SHERRELL P. McCRARY, and wife)
 VELMA EARLENE McCRARY;)
 WILLIAM P. McKELVEY; BETTY N.)
 MICHAEL, Individually and as)
 Executrix of the Estate of John A.)
 Michael, Deceased; JIMMY G.)
 MILLER, and wife LINDA GALLOWAY)
 MILLER; BENNY L. MOONEY, and)
 wife MILDRED RUTH H. MOONEY;)
 PATRICIA M. CROUCH, as Executrix)
 of the Estate of Tarlie E. Moore,)
 Deceased, and BEULAH C. MOORE;)
 PEGGY LOFLIN, as Administrator of)
 the Estate of James H. Morris,)
 Deceased; GEORGE H. NEWMAN,)
 and wife VIRGINIA H. NEWMAN;)
 CARROLL F. OWEN, and wife)

CYNTHIA SPIVEY OWEN; MARY M.)
 OWEN; PHILLIP E. OWENS, and wife)
 DOROTHY LORENA W. OWENS;)
 ROSCOE H. PONDER, and wife)
 GRACE JULIE R. PONDER; JOE B.)
 ROGERS, and wife JUNE ROGERS;)
 REMUS L. ROPER, and wife SHIRLEY)
 ROPER; PAUL D. SEAGLE, and wife)
 LINDA M. SEAGLE; DOUGLAS G.)
 SENTELLE, and wife CINDY)
 SENTELLE; CHARLES N. SHOOK, as)
 Executor of the Estate of Vance F.)
 Shook, Deceased; ETHEL IRENE)
 J. SITTON, Individually and as)
 Executrix of the Estate of Ed J.)
 Sitton, Deceased; NETTIE L. SITTON;)
 BRUCE D. SMITH, and wife DELORES)
 H. SMITH; ROBERT A. SMITH, and)
 wife MARGORIE L. SMITH;)
 BRADLEY H. SNIPES, and wife)
 ELEANOR E. SNIPES; FRANK A.)
 STEVENS, and wife RUBY IRENE)
 STEVENS; RUTH G. SUMMEY,)
 Individually and as Executrix of the)
 Estate of Clyde C. Summey,)
 Deceased; JUANITA W. WATSON;)
 CHARLES E. WHITEMIRE, and wife)
 BOBBIE JEAN WHITEMIRE; and)
 ALBERT W. WILLIAMS, and wife)
 CAROLYN WILLIAMS,)
)
 Plaintiffs,)
)
 Vs.)
)
 A. W. CHESTERTON, INC.;)
 CROWN CORK & SEAL COMPANY,)

INC.; FOSTER WHEELER)
 CORPORATION; GARLOCK, INC.;)
 GEORGIA PACIFIC CORPORATION;)
 METROPOLITAN LIFE INSURANCE)
 CORPORATION; MINNESOTA MINING)
 AND MANUFACTURING COMPANY,)
 INC.; NATIONAL SERVICE)
 INDUSTRIES, INC.; OWENS-ILLINOIS,)
 INCORPORATED; RAPID AMERICAN)
 CORPORATION; D. B. RILEY, INC.;)
 CBS CORPORATION; ALBANY)
 INTERNATIONAL; WEAVER)
 CORPORATION; SCAPA DRYER)
 GROUP, INC.; ABNEY MILLS)
 CORPORATION; BRANDON DRYING)
 FABRICS, INC.; MT. VERNON MILLS,)
 INC.; and ASTEN, INC.,)
)
 Defendants.)
)
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ORDER OF DISMISSAL

THIS MATTER is before the Court on the parties' joint motion to dismiss the captioned Plaintiffs' claims as to the Defendant Owens-Illinois, Inc.

For cause shown and it appearing these parties have agreed to settle the issues in controversy among them,

IT IS, THEREFORE, ORDERED that the joint motion to dismiss is **ALLOWED**, and the claims of Plaintiffs Frank H. Barton; Homer R. Blythe,

and wife Ann English Blythe; Ben Bolt, and wife Flora Mae McCall Bolt; Shirley Eugene Bracken, and wife Annie Jo Sherril Bracken; Fred C. Bryson, and wife Mary B. Bryson; Allen E. Chapman, and wife Sandra Fisher Chapman; John C. Chapman, and wife Iva Lee Anders Chapman; Robert H. Crowe, and wife Marian Crowe; Rhonda Debruhl, Administrator of the Estate of Fred Davis, Deceased; John D. Ezell, and wife Aileen Rodgers Ezell; William M. Gaddy, Sr., and wife Myrtle N. Gaddy; Clyde C. Galloway, and wife Belle T. Galloway; Claude S. Goodson, and wife Darlene Goodson; Willie E. Harron; Thomas B. Heaton, and wife Ella Mae P. Heaton; Richard L. Hissa, and wife Priscilla B. Hissa; James T. Mahoney, Jr., and wife Brenda Faye J. Mahoney; Ernest R. Maney, and wife Barbara Green Maney; Arthur A. McCall, and wife Edith English McCall; Benjamin F. McCall, and wife Donnie Vee McCall; Franklin L. McCall, and wife Betty Lambert McCall; William P. McKelvey; Betty N. Michael, Individually and as Executrix of the Estate of John A. Michael, Deceased; Patricia M. Crouch, as Executrix of the Estate of Tarlie E. Moore, Deceased, and Beulah C. Moore; Peggy Loflin, as Administrator of the Estate of James H. Morris, Deceased; George H. Newman, and wife Virginia H. Newman; Roscoe H. Ponder, and wife Grace Julie R. Ponder;

Paul D. Seagle, and wife Linda M. Seagle, Charles N. Shook, as Executor of the Estate of Vance F. Shook, Deceased; Ethel Irene J. Sitton, Individually and as Executrix of the Estate of Ed J. Sitton, Deceased; Bruce D. Smith, and wife Delores H. Smith; Robert A. Smith, and wife Margorie L. Smith; Bradley H. Snipes, and wife Eleanor E. Snipes; Frank A. Stevens, and wife Ruby Irene Stevens; Ruth G. Summey, Individually and as Executrix of the Estate of Clyde C. Summey, Deceased; and Juanita W. Watson, against the Defendant Owens-Illinois, Inc., are hereby

DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the claims of Plaintiffs Steve E. Ashe, and wife Deborah Ann Scott Ashe; David H. Corn, and wife Phyllis Bowen Corn; Danny L. Duckworth; Robert P. Grant, and wife Doris Patterson Grant; Larry W. Gregory; William H. Hall, Jr., and wife Wanda D. Hall; Marilyn M. Jarrett, Individually and as Executrix of the Estate of Douglas L. Jarrett, Deceased; Maggie C. Krider, Individually and as Personal Representative of the Estate of Thomas Krider, Deceased; James D. McCall; Sherrell P. McCrary, and wife Velma Earlene McCrary; Jimmy G. Miller, and wife Linda Galloway Miller, Benny L. Mooney, and wife Mildred Ruth H. Mooney; Carroll F. Owen, and wife Cynthia Spivey

Owen; Mary M. Owen; Phillip E. Owens, and wife Dorothy Lorena W. Owens; Joe B. Rogers, and wife June Rogers; Remus L. Roper, and wife Shirley Roper; Douglas G. Sentelle, and wife Cindy Sentelle; Nettie L. Sitton; Charles E. Whitemire, and wife Bobbie Jean Whitemire; and Albert W. Williams, and wife Carolyn Williams, against the Defendant Owens-Illinois, Inc., are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: April 2, 2007

A handwritten signature in black ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

